



Howard County

Internal Memorandum

Subject: Testimony for James and Ruth Welling property, Public Interest Use Resolution

To: Lonnie Robbins, Chief Administrative Officer, Department of Administration

Through: Marsha McLaughlin, Director, Department of Planning and Zoning

Through: Elmina Hilsenrath, Chief, Resource Conservation Division

From: Joy Levy, Administrator, Agricultural Land Preservation Program

Date: January 15, 2010

The Department of Planning and Zoning, of which the Agricultural Land Preservation Program is a part, supports Council Resolution No. -2010. This resolution approves a public interest use for a telecommunications antenna and associated ground equipment on land enrolled in the Howard County Agricultural Land Preservation Program and owned by James and Ruth Welling.

Section 15.509(j)(1) of the pre-1993 Howard County Code includes a provision for release of up to one (1) acre of land subject to an agricultural preservation easement for a public interest use. A multi-step approval process is associated with a public interest use request, beginning with the approval of the Agricultural Land Preservation Board. The Board approved the release of 1,750 square feet on January 11, 2010. The Code requires the County Council to pass a resolution finding that the proposed use is in the public interest and authorizing release of the easement. If a public interest use finding is made, the landowner and County officials execute an amended deed of easement. The landowner must pay the County for the release at the same price per acre that the County paid to acquire the easement, plus interest at the general rate of interest.

Having met the Agricultural Land Preservation Board criteria of not unduly interfering with the agricultural use of the property, and because the release will have minimal impact on staff workloads or department operating budget, we support the Welling family's request to obtain approval for this public interest use. Since agricultural preservation easements restrict in perpetuity many types of commercial uses of a property, the department believes that a telecommunications antenna in the proposed location will provide the family with supplementary income while being relatively non-intrusive in nature. Thank you for your consideration.

cc: Ray Wacks, Budget Director
Ag Read File
Welling File #HO-84-03-E